

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND BROWN,	:	
Plaintiff,	:	CIVIL ACTION
	:	
	:	
V.	:	NO. 2:20-cv-05354-MMB
	:	
CITY OF PHILADELPHIA, ET AL.,	:	
	:	
Defendants.	:	<u>JURY TRIAL DEMANDED</u>
	:	

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT’S MOTION TO DEFER CONSIDERATION
CONSIDERATIO OF PLAINTIFF’S REQUEST FOR COSTS**

This Court should defer consideration of Plaintiff’s Request for Costs (ECF Doc. 48) in this matter. Defendants have filed a motion for judgment as a matter of law or new trial, and depending on the Court’s ruling on the post-trial motion, they may file an appeal with the Third Circuit upon the Court’s final order. In such a situation, the Court has discretion to defer consideration of a request for costs until the appeal has been resolved. *See Ist Westco Corp. v. Sch. Dist. of Phila.*, No. 91-2727, 1993 WL 117539, at *1 (E.D. Pa. Mar. 31, 1993); *see also Giffler v. Abel*, No. 94-5348, 1996 WL 84816, at *1 (E.D. Pa. Feb. 22, 1996); *Roberts v. Twp. of Horsham*, No. CIV.A. 94-1821, 1994 WL 683388, at *1 (E.D. Pa. Dec. 2, 1994). The Court enjoys such discretion because if it “were to decide, before the Third Circuit adjudicates the appeal, the amount of [costs] to which plaintiff is entitled, [the] decision could be rendered moot when that court issues its decision,” an outcome that would hinder judicial economy. *See Ist Westco*, 1993 WL 117 539, at *1. Therefore, the Court should grant this motion and thereby defer consideration of Plaintiff’s Request for Costs until the Court has ruled on Defendants’ post-trial motion and after any appeal of this matter has been resolved.

Respectfully submitted,

BY: /s/ Matthew K. Hubbard
MATTHEW KEVIN HUBBARD
Senior Attorney
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595
(215) 683-5391 (direct dial)
(215) 683-5397 (fax)
matthew.hubbard@phila.gov

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